

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:07-CR-88 |
| V. |) | (Varlan /Guyton) |
| |) | |
| ROY LYNN OAKLEY, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the district court as may be appropriate. This matter came before the Court upon a Consent Motion to Continue Trial and Pretrial Deadlines [Doc. 25], filed by Defendant Roy Oakley. Mr. Oakley asks that the Court declare this case unusual and complex within the meaning of the Speedy Trial Act 18 U.S.C. 3161(h)(8)(B)(ii) and continue the trial date currently scheduled to begin September 26, 2007. The United States does not oppose Mr. Oakley's motion and has verbally joined in these two requests, see minutes at [Doc. 26]. In support of this request, the parties cite their belief that this prosecution will necessarily involve disclosure of classified information, subject to the Classified Information Procedures Act (CIPA), 18 U.S.C. App. §§ 1 - 9.

The Court finds the Consent Motion to Continue Trial and Pretrial Deadlines [Doc. 25] to be well-taken. In order for this Court, as well as the District Court, to proceed within the statutory framework of CIPA, additional time is necessary for implementation of pretrial safeguards for the classified information and full disposition of any pretrial motions and litigation. The Court finds and

hereby declares this case to be unusual and complex and, further, that the case includes novel questions of fact or law, within the meaning of the Speedy Trial Act 18 U.S.C. 3161(h)(8)(B)(ii).

Accordingly, the Consent Motion to Continue Trial and Pretrial Deadlines [**Doc. 25**] is **GRANTED**. The Court will conduct a scheduling conference on the date previously set for the trial, **September 26, 2007, at 9:30 a.m.** At that time, the Court will set a new date for the trial and a date for a CIPA § 2 Pre-Trial Conference to consider matters relating to classified information that may arise in connection with this prosecution. 18 U.S.C. App. § 2. As previously ordered, Mr. Oakley's response to the United States' Motion for Supplemental Protective Order [Doc. 21] will be due **September 26, 2007**, should he chose to file one.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge